

Abstract

This thesis describes and analyses a conditional sentence as a criminal punishment. The penalty exists under Czech legislation as a suspended sentence of imprisonment and a suspended sentence of imprisonment with supervision. The essence of the conditional sentence lies in a decision of a court that finds an offender guilty and sentences him to imprisonment, but the execution of the sentence is suspended if the court taking into account the character and circumstances of the offender has a reasonable belief that execution of the sentence is not necessary to induce the offender to lead an upright life. According to statistics, the conditional sentence is the most frequently imposed criminal sentence in the Czech Republic. The first chapter describes the conditional sentence as an alternative sentence, as well as principles of restorative justice. The next chapter deals with the essence of the conditional sentence and its arguable legal status. Despite the fact that legal theory considers the conditional sentence as a distinct type of punishment, the Criminal Code indicates that it shall be only one of the form of the sentence of imprisonment. The third chapter includes some worldwide historical facts concerning the conditional sentence and its influence by a probation as well as historical evolution of conditional sentence in the czech lands. The fourth chapter analyses all legal conditions for imposing the conditional sentence in detail. The terms of “leading of an upright life” as well as the probationary period are covered by the fifth chapter. The sixth chapter deals with adequate restrictions and duties that can be imposed along with the sentence. The purpose of imposing the adequate restrictions or duties on the offender is to individualize the sentence in order to motivate him to lead an upright life. In addition, the court will order the sentenced person to compensate the damage caused according to his/her capacity. The seventh chapter covers possibilities of how the conditional sentence ends – by a decision of the court or by time expiration. The eighth chapter is about the suspended sentence of imprisonment with supervision of a probational officer. The ninth chapter is devoted to the special character of the conditional sentence imposed on the juvenile offenders and its difference from the regular conditional sentence. The final chapter deals with statistics concerning an imposition of the conditional sentence by Czech courts within last decade. Finally, the conclusion at the end of the thesis summarizes the whole text above and it presents some new suggestions *de lege ferenda* as well.